

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aldo T. Iacono
Serial No. : 09/244,792 Examiner : Wang, Shengjun
Filed : February 5, 1999 Group Art Unit: 1617
For : USE OF AEROSOLIZED CYCLOSPORINE FOR PREVENTION AND
TREATMENT OF PULMONARY DISEASE

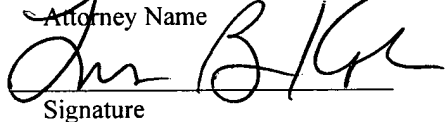
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Alexandria VA 22313-1450

August 25, 2006

Date of Deposit

Lisa B. Kole
Attorney Name


Signature

35,225

PTO Registration No.

August 25, 2006

Date of Signature

Assistant Commissioner for Patents
Alexandria VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants respectfully request that the documents listed below and on the accompanying PTO 1449 be considered by the Examiner and made of record in the above-referenced application. Full text copies of non-patent publications, foreign Patent documents and foreign published Patent Applications listed herein are enclosed in the accompanying volume of references. Applicant has enclosed a copy of and provided references cited in the International Search Report of related International Patent Application No. PCT/US00/02980 filed February 4, 2000 and published under Publication No. WO/0045834. Applicant has not enclosed copies of issued U.S. Patents or published U.S. Patent Applications

as their submission is not required under 37 C.F.R. § 1.98(a)(2)(ii). Applicant will provide copies of any issued U.S. Patent or published U.S. Patent Application disclosed in this Information Disclosure Statement should the Examiner so require.

The citations listed below are also listed in the accompanying PTO Form 1449.

1. Bolling et al., Local cyclosporine immunotherapy of heart transplants in rats enhances survival, J Heart Lung Transplant. 1991 10(4):577-83.
2. Bridges et al., An investigation of some of the factors influencing the jet nebulisation of liposomes. Int J Pharm. 2000 204(1-2):69-79.
3. Corcoran et al., Aerosol cyclosporine provides dose dependent improvement in lung function after lung transplantation. J. Heart Lung Transplant Abstracts 2003; 22:S77.
4. DeCamp, Jr., Inhaled Cyclosporine - A Breath of Fresh Air?" N. Engl. J. Med. 2006, 354:191-193.
5. Desai et al., In vitro evaluation of nebulization properties, antimicrobial activity, and regional airway surface liquid concentration of liposomal polymyxin B sulfate. Pharm Res. 2003 20(3):442-447.
6. Fahr et al., Liposomal formulations of Cyclosporin A: a biophysical approach to pharmacokinetics and pharmacodynamics, Crit Rev Ther Drug Carrier Syst., 2001, 18(2):141-172.
7. Gilbert et al., Tolerance of volunteers to cyclosporine A-dilauroylphosphatidylcholine liposome aerosol, Am J Respir Crit Care Med. 1997, 156(6):1789-93.
8. Harrington et al., Liposomally targeted cytotoxic drugs for the treatment of cancer. J Pharm Pharmacol. 2002, 54(12):1573-1600.
9. Iacono et al., 2006, A Randomized Trial of Inhaled Cyclosporine in Lung-Transplant Recipients, N. Engl. J. Med. 354:141-150.
10. International Patent Publication No. WO9800111 by Waldrep et al., for High dose liposomal aerosol formulations published January 8, 1998.

11. International Patent Publication No. WO9801147 by Bell for Medicinal cyclosporin-a aerosol solution formulation, published January 15, 1998.
12. International Patent Publication No. WO9804279 by Zenke et al., for Pharmaceutical compositions for the treatment of transplant rejection, autoimmune or inflammatory conditions comprising Cyclosporin A and 40-0-(2-hydroxyethyl)-rapamycin, published February 5, 1998.
13. International Patent Publication No. WO9942124 by Bennett et al., for Liquid crystal forms of cyclosporin, published August 26, 1999.
14. Kahan, Cyclosporine, N Engl J Med. 1989, 321(25):1725-38.
15. Keenan et al. Treatment of refractory acute allograft rejection with aerosolized cyclosporine in lung transplant recipients. J Thorac Cardiovasc Surg 1997; 113:335-330.
16. Klyashchitsky et al., Nebulizer-compatible liquid formulations for aerosol pulmonary delivery of hydrophobic drugs: glucocorticoids and cyclosporine, J Drug Target. 1999; 7(2):79-99.
17. Lee et al., Pharmacokinetics and organ distribution of cyclosporin A incorporated in liposomes and mixed micelles, Int J Pharm. 1999, 191(2):87-93.
18. Letsou et al., Pharmacokinetics of liposomal aerosolized cyclosporine A for pulmonary immunosuppression, Ann Thorac Surg. 1999 68(6):2044-2048.
19. Nunley et al., Allograft colonization and infections with pseudomonas in cystic fibrosis lung transplant recipients, Chest, 1998, 113(5):1235-43.
20. O'Riordan, Formulations and nebulizer performance, Respir Care. 2002, 47(11):1305-1312.
21. O'Riordan et al. Delivery and distribution of aerosolized cyclosporine in lung allograft recipients. Am J Respir Crit Care Med 1995; 151:516-521.
22. Patton, Deep-lung delivery of proteins, Modern Drug Discovery, 1998, 22:19-28.

23. Rauscher, Aerosol Cyclosporine Preserves Lung Function in Transplant Recipients, May 23, 2006, Reuters Health.
24. Smaldone et al., Deposition of aerosolized pentamidine and failure of pneumocystis prophylaxis, Chest. 1992, 101(1):82-87.
25. U.S. Patent No. 4,996,193 by Hewitt, for Combined topical and systemic method of administration of cyclosporine, issued February 26, 1991.
26. U.S. Patent 5,654,007 by Johnson et al., for Methods and system for processing dispersible fine powders, issued August 5, 1997.
27. U.S. Patent No. 5,688,824 by Williams, for Use of leflunomide to prevent or control xenograft rejection, issued November 18, 1997.
28. U.S. Patent No. 5,719,123 by Morley et al., for Ciclosporin form for pulmonary administration, issued February 17, 1998.
29. U.S Patent No. 5,780,014 by Eljamal et al., for Method and apparatus for pulmonary administration of dry powder Alpha 1-antitrypsin, issued July 14, 1998.
30. U.S. Patent No. 5,814,607 by Patton, for Pulmonary delivery of active fragments of parathyroid hormone, issued September 29, 1998.
31. U.S. Patent N. 6,572,893 by Gordon et al., for Systems and processes for spray drying hydrophobic drugs with hydrophilic excipients, issued June 3, 2003.
32. Waldrep et al., Pulmonary delivery of beclomethasone liposome aerosol in volunteers. Tolerance and safety Chest. 1997, 111(2):316-23.

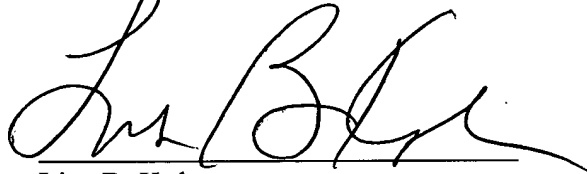
Identification of the listed documents is not to be construed as an admission of the Applicant or attorneys for Applicant that such citations are available as “prior art” against the subject application. If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under

United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicant believes there is no fee required for this timely submission. However, if any fee is required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole
Patent Office Reg. No. 35,225

Attorney for Applicant
(212) 408-2628

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Atty. Docket No. 072396.0162	Serial No. 09/244,792
	Applicant Aldo T. Iacono	
	Filing Date 2/5/1999	Group 1614
	Examiner Wang, Shengjun	

U.S. PATENT DOCUMENTS								
*Exam. Initial.	No.		Document No.	Date	Name	Class	Subclass	Filing Date if Approximate.
	25		4,996,193	2/26/91	Hewitt			
	26		5,654,007	8/5/97	Johnson et al			
	27		5,688,824	11/18/97	Williams.			
	28		5,719,123	2/17/98	Morley et al.			
	29		5,780,014	7/14/98	Eljamal			
	30		5,814,607	9/29/98	Patton			
	31		6,572,893	6/3/03	Gordon et al			

FOREIGN PATENT DOCUMENTS								
Exam Initial	No.		Document No.	Date	Country	Class	Subclass	<u>Translation</u> Yes No
	10		WO9800111	1/8/98	International			
	11		WO9801147	1/15/98	International			

558405	
Examiner	Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FOREIGN PATENT DOCUMENTS

Exam Initial	No.		Document No.	Date	Country	Class	Subclass	Translation	
								Yes	No
	12		WO9804279	2/5/98	International				
	13		WO9942124	8/26/99	International				

Exam Initial	No.	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
	1	Bolling et al., Local cyclosporine immunotherapy of heart transplants in rats enhances survival, J Heart Lung Transplant. 1991 10(4):577-83.
	2	Bridges et al., An investigation of some of the factors influencing the jet nebulisation of liposomes. Int J Pharm. 2000 204(1-2):69-79.
	3	Corcoran et al. Aerosol cyclosporine provides dose dependent improvement in lung function after lung transplantation. J. Heart Lung Transplant Abstracts 2003; 22:S77.
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	5	Desai et al.. In vitro evaluation of nebulization properties, antimicrobial activity, and regional airway surface liquid concentration of liposomal polymyxin B sulfate. Pharm Res. 2003 20(3):442-447.
	6	Fahr et al., Liposomal formulations of Cyclosporin A: a biophysical approach to pharmacokinetics and pharmacodynamics, Crit Rev Ther Drug Carrier Syst., 2001, 18(2):141-172.
	7	Gilbert et al., Tolerance of volunteers to cyclosporine A-dilauroylphosphatidylcholine liposome aerosol, Am J Respir Crit Care Med. 1997, 156(6):1789-93.
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	15	Keenan et al. Treatment of refractory acute allograft rejection with aerosolized cyclosporine in lung transplant recipients. J Thorac Cardiovasc Surg 1997; 113:335-330.
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	22	Patton, Deep-lung delivery of proteins, Modern Drug Discovery, 1998, 22:19-28.
	23	Rauscher, Aerosol Cyclosporine Preserves Lung Function in Transplant Recipients, May 23, 2006, Reuters Health.
	24	Smaldone et al., Deposition of aerosolized pentamidine and failure of pneumocystis prophylaxis, Chest. 1992, 101(1):82-87.
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